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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

✓ Yokohama, Japan
2 February 1949

UNITED STATES OF AMERICA VS HAJIME UMINO

Review of the Staff Judge Advocate

1. The attached record of trial of the case of Hajime Umino, tried at Yokohama, Japan, from 20 December 1948 to 22 December 1948, by a Military Commission appointed by paragraph 3, Special Orders No. 280, Headquarters Eighth Army, United States Army, dated 16 December 1948, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Hajime Umino	DATE OF CONFINEMENT: 5 November 1948
AGE: 25	DATE OF ARRAIGNMENT: 20 December 1948
RESIDENCE: Osaka-shi, Konohana-ku Takami-cho 3-4	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Single	PERIOD OF TRIAL: 20 to 22 December 1948
RELATIVES: Father, Mother, 2 sisters, 2 brothers	DATE OF SENTENCE: 22 December 1948
EDUCATION: Graduate of Retsumeikan University	SENTENCE: CHL for 7 years
VOCATION: Office Clerk	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: 1 October 1943 to 25 March 1946, Imperial Japanese Navy, attained rank of Lieutenant (jg).	

2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency

<u>Charge and Specification</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: Accused, during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp: Within or about 1 March to 31 May 1945, accused did willfully and unlawfully kill an unidentified American POW by decapitating him.	NG	G	Yes

3. Summary of the Evidence

a. For the Prosecution

As to the Specification: The accused was a lieutenant in the Imperial Japanese Navy as a subordinate officer in the 16th Naval Guard Unit on the Island of Hainan, off the coast of China, from 1 March 1945 until some day after the middle of March 1945 (R 49).

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The Missing Air Crew Reports show that two or more United States bombers went down in the early part of March in the vicinity of Hainan Island, off the China coast (Ex 1, 2). This is further supported by the statement of Sgt. Richard L. Gaudet (Ex 3).

Statements of witnesses Yokoyama and Suzuki identify the accused, Hajime Umino, as not only being present at the beheading of the American prisoners of war but further positively state that the accused did, as they did, kill one of the prisoners of war by beheading him (Ex 5, 6).

Statements by Kumita and Nakano indicate that they were present at the beheading of the American prisoners of war and positively identify the accused, Hajime Umino, as being present and beheading one of the American prisoners of war (Ex 7, 9).

Statements and interrogation of the accused admit that he did behead an American prisoner of war at Kodokan, on the Island of Hainan, sometime in the early part of March 1945 (Ex 10, 11, 12). The accused further took the stand in his own defense and upon examination admitted in open court that he did behead an American prisoner of war at the same place and time he had assigned in his sworn statement (R 40).

✓ b. For the Defense

Several extracts were received by the court of various Japanese publications with reference to the duties of a subordinate officer in carrying out the orders of his superior or superior officers (Ex A, B, C, D).

Other extracts presented were for the purpose of showing that the defendant was actually ordered to behead the American prisoner of war. (Ex F, G, H).

✓ The accused took the stand as a witness in his own behalf and testified in open court that he had only reported for duty with the 16th Naval Guard Unit on the 1st day of March 1945; that he was not familiar with the ways and customs of the Unit; that when ordered to report to the site of execution he had no knowledge that an execution was to be held and that only upon arriving at the designated site did he become aware of what was taking place when ordered to behead one of the American prisoners of war.

✓ 4. Opinion

a. The record is legally sufficient to support the findings of the Commission. The allegation of the Charge and Specification, of which the accused was found guilty, was substantiated by ample and competent evidence. The Commission was constituted by proper authority and had jurisdiction of the accused and of the offense. There is no evidence that the accused was not sane at the time of the commission of the alleged act or at the time of the trial.

✓ b. The bulk of the exhibits produced by the prosecution were alone sufficient to support the finding that the accused was present at the execution and did participate in the same by beheading one of the American prisoners of war. It is further apparent that the accused had knowledge of the fact that the prisoners of war had not been given a trial by a court of jurisdiction and that he made no protest when ordered to commit the execution.

✓ c. The complete record shows that the accused had a fair trial and that he was ably represented by competent counsel. He took the stand and testified in his own behalf. There are no errors which injuriously affected the substantial rights of the accused.

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✓ 5. Recommendations

✓ The Commission sentenced the accused to confinement at hard labor for seven (7) years. The sentence is legal.

✓ The proof established that the accused did willfully and unlawfully kill an unidentified American prisoner of war by decapitating him. The Commission evidently accepted, as highly mitigating, the fact that the accused acted upon orders of a superior officer and upon fear thereof of retaliation upon himself if he failed to act as ordered. The sentence of the Commission is considered lenient.

6. Action

A form of action designed to carry the above recommendations into effect is attached hereto.

✓ WILLIAM A. WATSON
Major, CAV.
Judge Advocate Section

✓ I concur in general.

✓ ALLAN R. BROWNE
Lt Colonel JAGC
Army Judge Advocate

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